

BOARD OF ADJUSTMENT REPORT



Meeting Date: 4/3/2019
Item No.: 4

ACTION

Burke Garage
3-BA-2019

Request to consider the following:

1. Approve a variance request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.504.E.1 pertaining to the required front yard, for a property with Single-family Residential (R1-7) zoning, located at 7338 E. Pierce Street.

OWNER

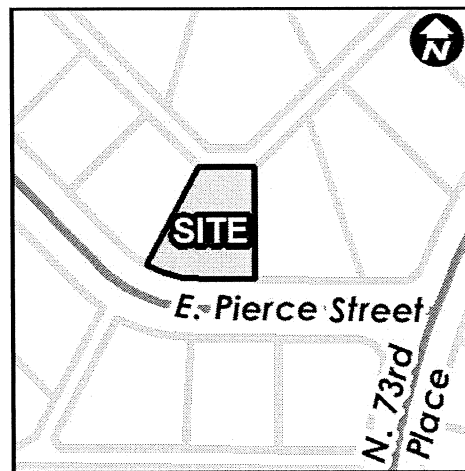
Matthew Burke
650-400-7051

APPLICANT CONTACT

Gary Stubbs
602-769-3506

LOCATION

7338 E Pierce Street



BACKGROUND

History

The subject site was annexed into the City of Scottsdale in 1959 through Ordinance No.73 and the City of Scottsdale R1-7 zoning was applied. The County Assessor's records identify the house having been constructed in 1961. This property is Lot 846 in the New Papago Parkway Unit 13 subdivision plat which was platted in 1960.

Zoning/Development Context

The subject site is zoned Single-family Residential (R1-7) and is located on the north side of E. Pierce Street, west of N. 73rd Place, and is Lot 846 in the New Papago Parkway Unit 13 subdivision.

Adjacent Uses and Zoning

- North: New Papago Parkway Unit 13 subdivision, zoned Single-family Residential (R1-7); existing single-family residence.
- South: New Papago Parkway Unit 13 subdivision, zoned Single-family Residential (R1-7); existing single-family residence.
- East: New Papago Parkway Unit 13 subdivision, zoned Single-family Residential (R1-7); existing single-family residence.
- West: New Papago Parkway Unit 13 subdivision, zoned Single-family Residential (R1-7); existing single-family residence.

Zoning Ordinance Requirements

Pursuant to Section 5.504.E.1 of the City of Scottsdale Zoning Ordinance, pertaining to the required front yard setback:

Each lot shall have a front yard with a minimum depth of twenty (20) feet.

The applicant is requesting a variance of up to three (3) feet to allow the conversion and expansion of the existing single car carport into a 2-car garage within a portion of the required twenty (20) foot front yard setback, as shown on the submitted site plan.

Pursuant to Section 1.1304.B.1 of the Zoning Ordinance, pertaining to nonconforming structures: For all dwellings located in residential zoning districts that are not located within an environmentally sensitive lands overlay zone:

1. Structural enlargements, extensions, reconstruction or modifications to dwellings are permitted if:
 - a. The enlargement, extension, reconstruction or modification is made to the ground level story;
 - b. The height of any portion of the dwelling is not increased;
 - c. The total of the initial and any subsequent enlargement, extension, reconstruction or modification constitutes less than fifty (50) percent of the gross floor area of the existing dwelling; and
 - d. The dwelling enlargement, extension, reconstruction, or structural modification conforms to all of the regulations specified by this Zoning Ordinance for such district in which the dwelling is located.

The existing structure has a covered patio at the rear of the house that appears to encroach into the required 5-foot side yard setback, but based on the provisions of Section 1.1304.B.1 it does not impact the proposed scope of work.

Code Enforcement Activity

There has been no recent code enforcement activity at the subject site.

Community Input

The City notified property owners within 750 feet of the site regarding the filing of this application. Staff has received no comments as of the writing of this report.

Discussion

The applicant is requesting to convert and expand the existing single car carport into a 2-car garage, which encroaches into a portion of the required twenty (20) foot front yard setback, based on its location on the property and the curve of the street and the property frontage at the southwest corner of the site. The encroachment consists of a maximum of 3-feet at its westmost corner.

The existing structure, originally constructed in 1961, has a covered patio at the rear of the house that appears to encroach into the required 5-foot side yard setback. That constitutes a legal non-conformity under Section 1.300 of the Zoning Ordinance, but under the allowable expansion/modification provisions of Section 1.1304.B.1 it does not impact the proposed scope of work.

VARIANCE CRITERIA ANALYSIS

- 1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district:**

The applicant states that the lot's shape and the corresponding front yard setback following the curve of the street has unique impact to the ability to locate the proposed garage without a variance. The street curves where the existing carport is placed and because of that a conversion and expansion to a garage is hindered by the angled side yard setback and the curved front yard setback.

Staff Analysis:

The property is located at the start of the angled orientation of E. Pierce Street and has a curve to its frontage at the southwest corner of the site. It is smaller in lot area than the minimum 7,000 square-feet for the R1-7 district by about 480-square-feet. This lot is required to maintain a twenty (20) foot front yard setback along the frontage, following the alignment of the street right-of-way. This lot and the surrounding area have minimal topographic change with limited impact.

This area was annexed into the City of Scottsdale in 1959 and the City of Scottsdale R1-7 zoning applied. The New Papago Parkway Unit 13 subdivision plat was recorded in 1960 and

the County Assessor's records identify the house on this property having been constructed in 1961.

2. **That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located:**

The applicant states that the lot's shape and the corresponding front yard setback following the curve of the street has unique impact to the ability to locate the proposed garage without a variance. The street curves where the existing carport is placed and because of that a conversion and expansion to a garage is hindered by the angled side yard setback and the curved front yard setback.

Staff Analysis:

The R1-7 zoning district allows primary use as a single-family residence and regardless of the outcome of this variance request, the existing structure can continue to function as a single-family residence. The existing house on the property, which is identified in the County Assessor's records to have been constructed in 1961, has a single car carport with the westmost support post at, or encroaching into, the required 20-foot front yard setback where the property frontage begins to curve following the right-of-way alignment. The proposed garage conversion/expansion follows the front plane of the existing carport and is limited from being set further back by the 5-foot required side yard setback to its northwest corner. Without the requested variance a detached garage may be proposed in the rear of the property having access off the alley, but the narrowing configuration of the rear of the property means allowable space within the rear yard is limited for that purpose.

3. **That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:**

The applicant states that the current owner did not create the lot or its configuration and did not place the existing house on the lot in its configuration.

Staff Analysis:

The property is located at the start of the angled orientation of E. Pierce Street and has a curve to its frontage at the southwest corner of the site. It is smaller in lot area than the minimum 7,000 square-feet for the R1-7 district by about 480-square-feet. This lot is required to maintain a twenty (20) foot front yard setback along the frontage, following the alignment of the street right-of-way.

This area was annexed into the City of Scottsdale in 1959 and the City of Scottsdale R1-7 zoning applied. The New Papago Parkway Unit 13 subdivision plat was recorded in 1960 and the County Assessor's records identify the house on this property having been constructed in 1961.

4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general:

The applicant states the face of the proposed garage would be in line with the face of the existing carport and would involve a wedge-shaped encroachment of a maximum of 3-feet at its closest corner, having minimal visual impact. Stepping the structure back would encroach upon the side yard setback instead and would appear out of character with the surrounding area.

Staff Analysis:

The intent of the required setback along street frontages is to create an open residential character, to establish view corridors, and to maintain uninterrupted visual continuity with adjacent lot setbacks for main buildings. If the variance request is granted, the resulting garage location could be a maximum of 3-feet closer to the street at its westmost corner but would maintain the same visual alignment as the rest of the existing house along the street frontage. As of the writing of this report, staff has received no comments regarding the proposed variance request.

SUMMARY

Based on the facts presented by the applicant, the evidence would support a finding that the property may have special circumstances that would warrant relief from the strict application of the Zoning Ordinance requirements. The size, shape, or configuration of the property is unique and applicable. Further, the applicant's proposed variance does not appear that it would be detrimental to persons residing or working in the surrounding neighborhood. However, the decision about whether the criteria have been met is for the Board to make after hearing all the evidence at the hearing.

APPROVED BY



Jeff Barnes, Report Author
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3/14/19

Date



Brad Carr, AICP, Board of Adjustment Liaison
480-312-7713, bcarr@scottsdaleaz.gov

3.13.2019

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

3/18/2019

Date



Randy Grant, Planning and Development Director
480-312-2664, rgrant@scottsdaleaz.gov

3/20/19

Date

ATTACHMENTS

1. Project Narrative / Justification
2. Context Aerial
3. Aerial Close-Up
4. Zoning Map
5. Site Photographs
6. Proposed Site Plan

1. SCOPE OF WORK IS TO CONVERT A SINGLE CAR CARPORT TO A DOUBLE CAR GARAGE.
2. ROOF ELEVATION TO MATCH EXISTING.
3. USE OF 8 X 4 X 16 BLOCK TO MATCH EXISTING.
4. PAINT SCHEME TO REMAIN THE SAME.
5. PURPOSE OF VARIANCE IS DUE TO SHAPE OF LOT IN RELATION TO STREET.
6. EXTENDING THE STRUCTURE TO CREATE A DOUBLE GARAGE.
7. SET BACK ENCROACHMENT FROM THE STREET IS APPROXIMATELY 2' 6".
8. THE SIDE SET BACK OF FIVE FEET IS MAINTAINED.
9. ADDITIONALLY AN EXISTING PATIO COVER DOES EXTEND TO PROPERTY LINE IN THE REAR YARD. THE NEW OWNERS DO NOT KNOW WHEN THIS WAS ADDED.
10. AERIAL PHOTOS SHOW A STORAGE SHED ON THE EAST SIDE OF HOME. THIS HAS BEEN REMOVED SO AS TO NOT INFRINGE ON SET BACKS.
11. THE POSSIBILITY TO STAGGER THE ADDITION OF A SINGLE CAR GARAGE TO THE NORTH SO AS NOT TO INFRINGE ON STREET SET BACK WAS EXPLORED. THE PROBLEM AROSE REGARDING SIDE YARD SET BACK INFRINGEMENT. SO THIS SOLUTION WAS NOT VIABLE. THE ADDITIONAL COST AND ELEVATION CHANGE WOULD DETER FROM FUTURE SALE AS TO LOOKING AWKWARD. IN ADDITION TO BEING MORE EXPENSIVE BY MANY THOUSANDS FOR TWO SINGLE CAR GARAGE DOORS AND STRUCTURE COSTS.

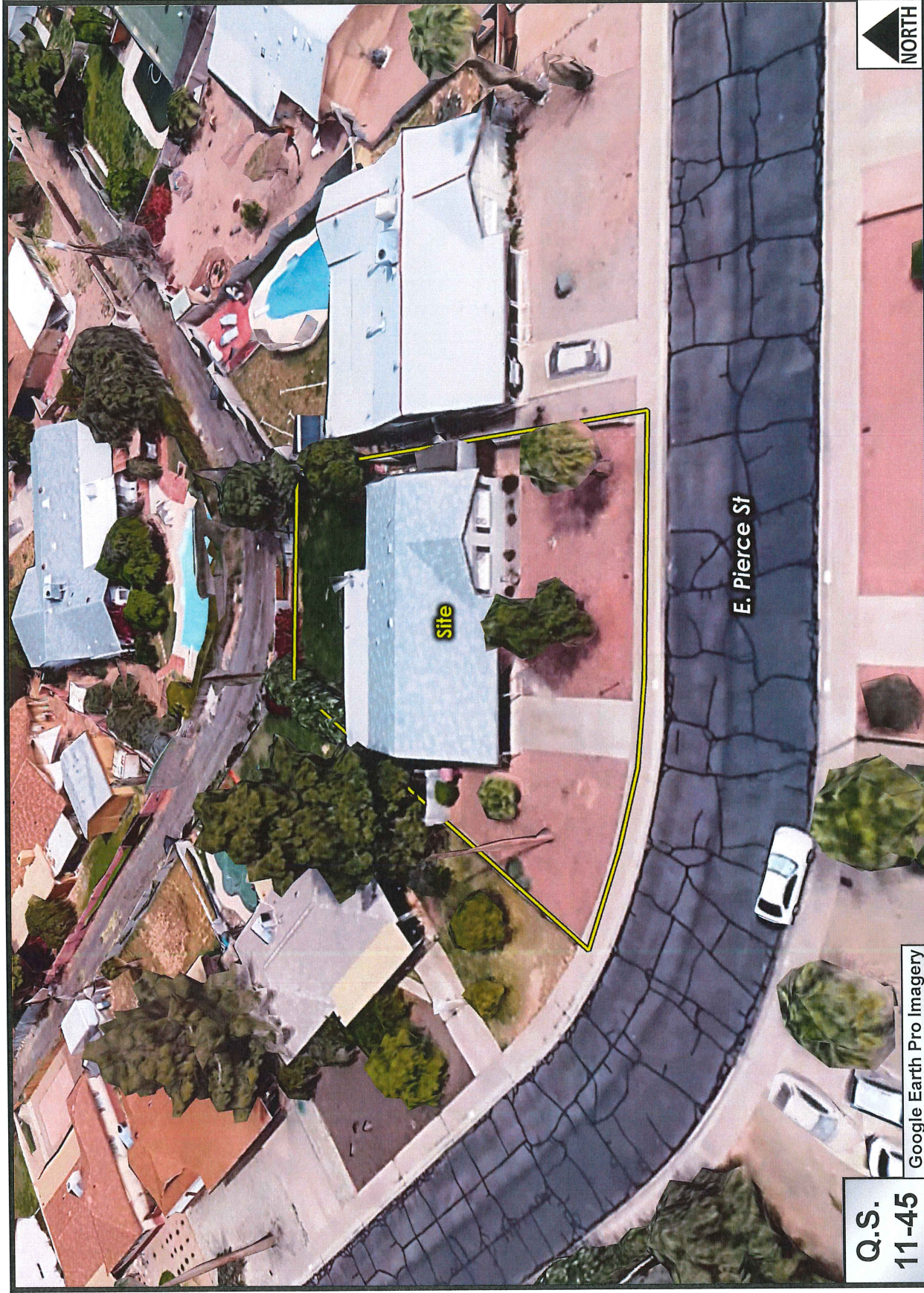
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ATTACHMENT 2

Context Aerial



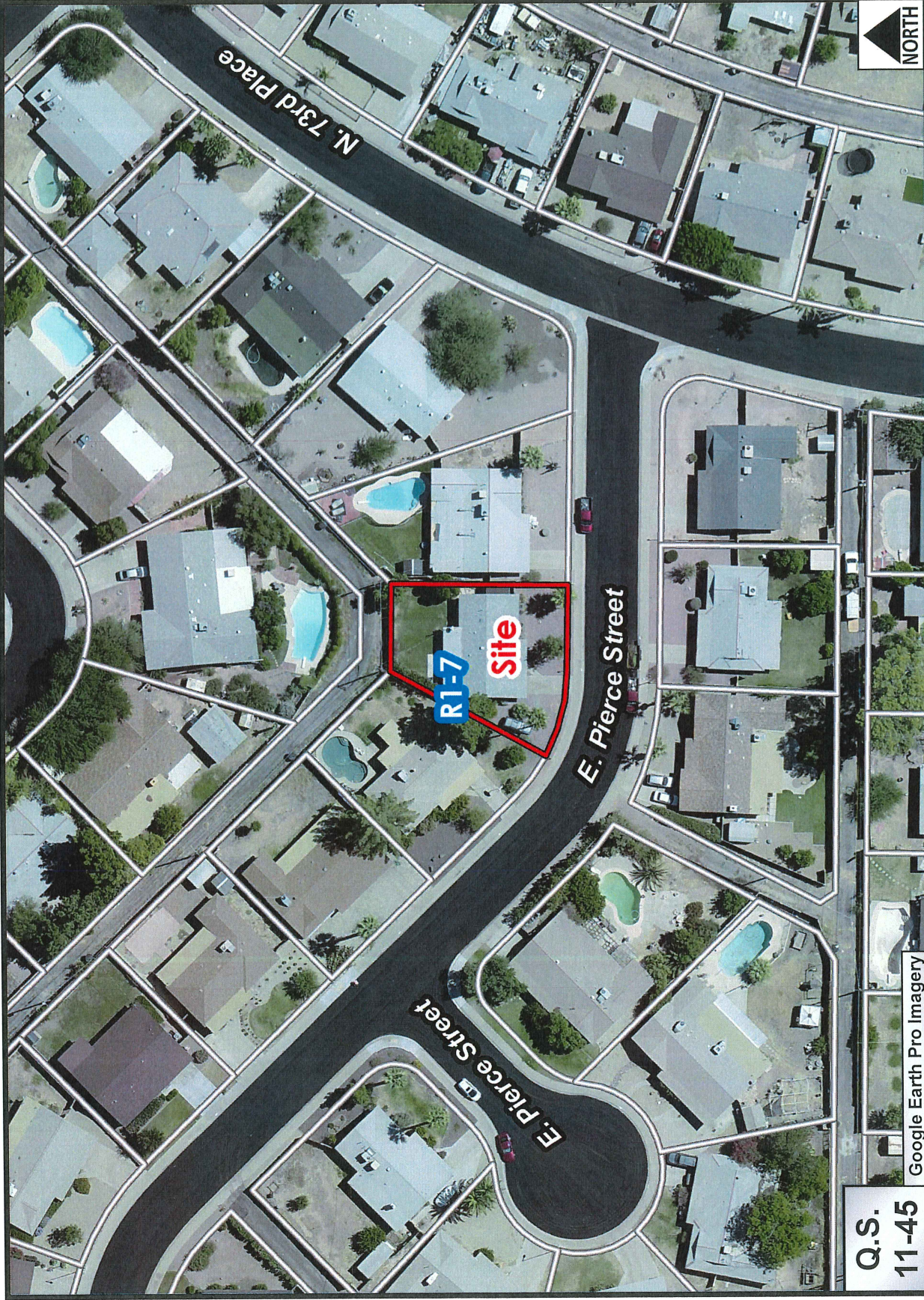
Q.S.
11-45

Google Earth Pro Imagery

Aerial Close-Up

ATTACHMENT 3

3-BA-2019



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Google Earth Pro Imagery

Zoning Map

ATTACHMENT 4

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FRONT

ATTACHMENT 5



3-BA-2019
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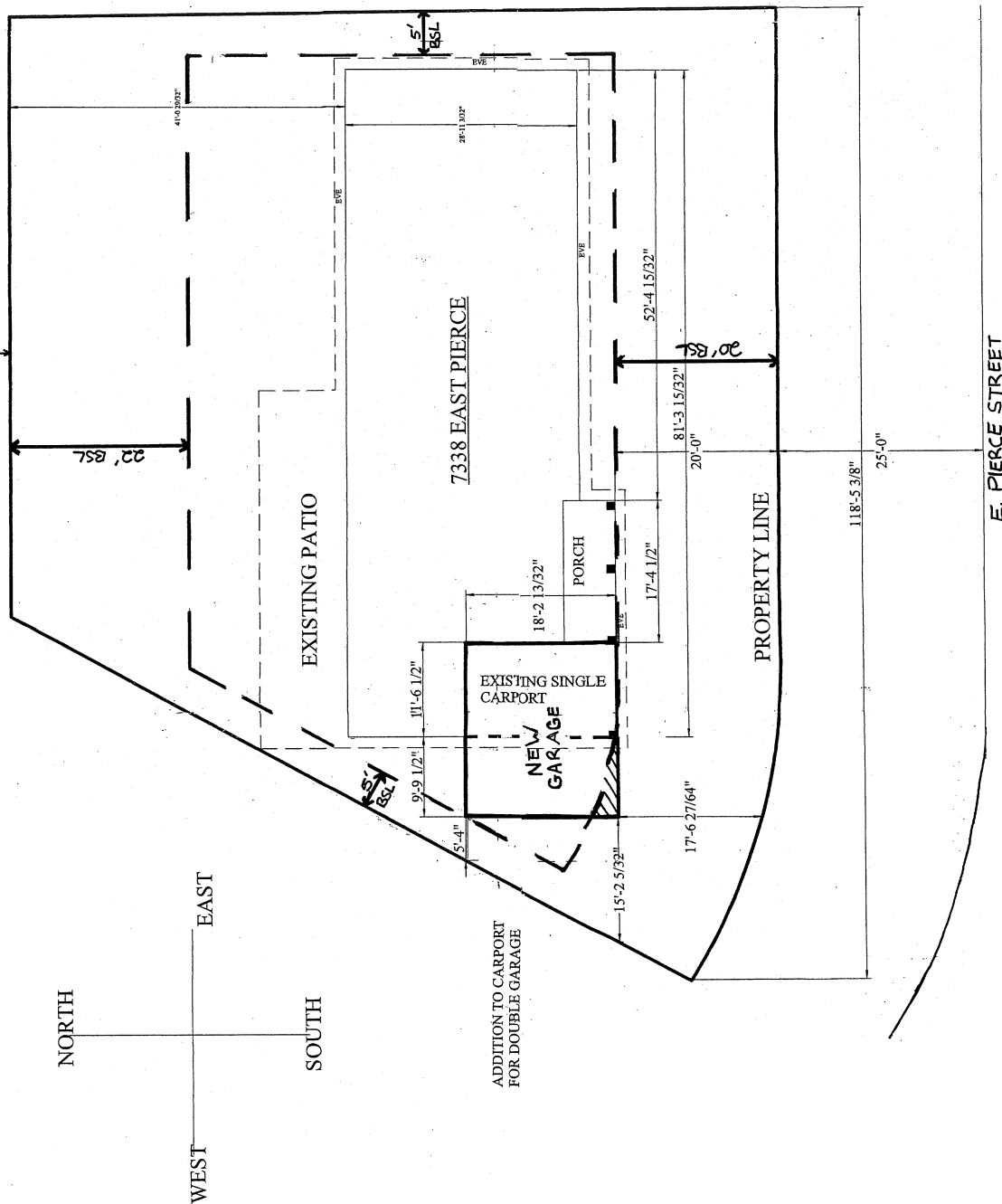
LOOKING WEST STREET CORNER

NORTH WEST
CORNER
BACK YARD

3-BA-2019
3/1/2019



MATHEW BURKE
 7338 EAST PIERCE
 SCOTTSDALE, AZ
 85257



SCALE : 1/8" TO 1'

ATTACHMENT 6